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DOCKET NO.: C1037.70044US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Krieg et al.  
Serial No.: 10/613,736  
Confirmation No.: 4723  
Filed: July 3, 2003  
For: NUCLEIC ACID COMPOSITIONS FOR STIMULATING  
IMMUNE RESPONSES  
Examiner: Nina Archie  
Art Unit: 1645

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 14<sup>th</sup> day of January, 2009.

*Amelia S. Lennon*  
Amelia S. Lennon

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**MAIL STOP AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of any Final Action under 37 C.F.R. §1.113, a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

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Amelia S. Lennon

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Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


Transmitted herewith are the following documents:

- Information Disclosure Statement
- PTO Form 1449 with cited references
- Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 646-8000, Boston, Massachusetts.

A check in the amount of \$180.00 is enclosed to cover the filing fee. If the fee is insufficient, the balance may be charged to Deposit Account 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:   
Maria A. Trevisan, Reg. No.: 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2206  
Telephone: (617) 646-8000

Docket No.: C1037.70044US00  
Date: January 14, 2009  
xNDDx



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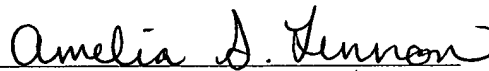
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Docket No.: C1037.70044US00  
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PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified PTO/SB/08). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The Applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>	<u>Docket No.</u>
11/983,039	11-06-2007	Rittershaus et al.	*C1037.70072US01
11/988,396	01-07-2008	Readett et al.	*C1037.70063US01
11/992,073	03-14-2008	Uhlmann et al.	*C1041.70049US01
11/992,080	03-14-2008	Bauer	*C1041.70052US01
11/992,627	03-26-2008	Jurk et al.	*C1041.70051US01
12/148,275	04-17-2008	Davis et al.	*C1037.70056US02
12/196,201	08-21-2008	Davis et al.	*C1037.70039US02
12/248,493	10-09-2008	Krieg et al.	*C1039.70048US26
12/287,382	10-07-2008	Bratzler et al.	*C1037.70052US02
12/336,986	12-17-2008	Krieg et al.	*C1037.70059US02

\*A copy of this reference is not provided as the Office has waived the requirement under 37 C.F.R. 1.98(a)(2)(iii) for submitting a copy of a cited U.S. patent application if it is scanned to the Image File Wrapper system and is available on Private PAIR.

The Applicant hereby makes the following additional information of record in the above-identified application, copies of which are enclosed unless otherwise specified:

Office Communication mailed 03/25/2005 for Application No. 10/613,228 (C1037.70045US00)

Office Communication mailed 10/20/2005 for Application No. 10/613,228 (C1037.70045US00)

Office Communication mailed 04/24/2006 for Application No. 10/613,228 (C1037.70045US00)

Office Communication mailed 10/15/2007 for Application No. 10/613,228 (C1037.70045US00)

Office Communication mailed 08/20/2008 for Application No. 10/613,228 (C1037.70045US00)

Office Communication mailed 09/22/2006 for Application No. 10/613,739 (C1037.70043US00)

Office Communication mailed 07/16/2007 for Application No. 10/613,739 (C1037.70043US00)  
Office Communication mailed 04/18/2008 for Application No. 10/613,739 (C1037.70043US00)  
Office Communication mailed 12/23/2008 for Application No. 10/613,739 (C1037.70043US00)  
Office Communication mailed 06/27/2007 for Application No. 10/613,524 (C1037.70042US00)  
Office Communication mailed 04/30/2008 for Application No. 10/613,524 (C1037.70042US00)  
Office Communication mailed 05/09/2005 for Application No. 10/613,749 (C1037.70041US00)  
Office Communication mailed 01/23/2006 for Application No. 10/613,749 (C1037.70041US00)  
Office Communication mailed 10/23/2006 for Application No. 10/613,749 (C1037.70041US00)  
Office Communication mailed 06/29/2007 for Application No. 10/613,749 (C1037.70041US00)  
Office Communication mailed 11/05/2007 for Application No. 10/613,749 (C1037.70041US00)  
Office Communication mailed 08/20/2008 for Application No. 10/613,749 (C1037.70041US00)

PART III: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 (modified PTO/SB/08) be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Serial No.: 10/613,736  
Conf. No.: 4723

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Art Unit: 1645

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:



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